

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ALEJANDRO A. DIAZ ALARCON

Plaintiff

vs

MICHELLE S. FLANDEZ MARCEL

Defendant

CIVIL 17-1983CCC

ORDER

Having considered all of the evidence presented in this case by way of testimonies, documents and stipulations, and my in-chambers interview with the minor, the Court hereby ADOPTS the Report and Recommendation issued on July 24, 2018 by U.S. Magistrate-Judge Bruce J. McGiverin (**d.e. 94**) which concludes that “the Petition for Return should be DENIED.” However, although the Court finds, as did U.S. Magistrate-Judge McGiverin, that respondent Michelle S. Flandez Marcel (Flandez) “proved by a preponderance of the evidence that A. is sufficiently mature to object to returning to Chile and that A. does object to returning to Chile,” the Court’s final ruling denying petitioner Alejandro A. Díaz Alarcón’s Verified Petition for Return of Child to Chile under the Hague Convention on the Civil Aspects of International Child Abduction (d.e. 1) is primarily based on the defense raised by Flandez that “there is a grave risk that . . . return would expose the child to physical or

psychological harm or otherwise place the child in an intolerable situation.”

Hague Convention, art. 13(b).

Judgment, supported by a Statement of Reasons, to follow.

SO ORDERED.

At San Juan, Puerto Rico, on November 29, 2018.

S/CARMEN CONSUELO CEREZO
United States District Judge